

Message Text

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ACTION DLOS-06

INFO OCT-01 AF-10 ISO-00 IO-14 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00

FMC-04 INT-08 JUSE-00 NSF-04 OMB-01 /254 W

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P R 150916Z NOV 73

FM AMEMBASSY MOGADISCIO

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INFO AMEMBASSY ADDIS ABABA

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COMIDEASTFOR

CINCLANT

CINCPAC

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CINCLANT AND CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: PBOR MILI SO

SUBJ: LOS: SOMALIA PROMULGATES 200-MILE TERRITORIAL SEA

REF: MOGADISCIO 0623; STATE 100166

1. IN OFFICIAL BULLETIN DATED 21 JULY 73, BUT ACTUALLY DIS-
TRIBUTED SECOND WEEK NOVEMBER, GSDR PUBLISHED NEW SOMALI LAW
DATED SEPTEMBER 19, 1972, EXTENDING SOMALI TERRITORIAL SEA TO
200 NAUTICAL MILES.

2. ARTICLE 1 DEFINES TERRITORIAL SEA AS "200 NAUTICAL MILES
WITHIN (FROM) CONTINENTAL AND INSULAR COASTS" AND STATES SUCH
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SEA "IS UNDER SOVEREIGNTY OF GSDR". ARTICLES 2-5 GIVE BASE

LINES FOR MEASURING SEA AND LIST FINES FOR FISHING AND CABOTAGE VIOLATIONS. ARTICLES 6-9 DEFINE INNOCENT PASSAGE. ALTHOUGH ARTICLE 6 STATES "MERCHANT SHIPS OF ALL NATIONALITIES ARE ALLOWED TO (SIC) THE RIGHT OF INNOCENT PASSAGE THROUGH THE TERRITORIAL SEA WITHIN THE LIMITS LAID DOWN BY THIS LAW AND THE GENERAL PRINCIPLES OF THE INTERNATIONAL LAW OF THE SEA", ARTICLE 9 PROHIBITS INNOCENT PASSAGE TO VESSELS "HAVING THE NATIONALITY OF STATES NOT RECOGNIZED BY THE GSDR". ARTICLE 10 PROHIBITS PASSAGE TO FOREIGN WARSHIPS UNLESS AUTHORIZED BY THE GSDR.

3. TEXT OF LAW POUCHED.

4. COMMENT: (A) GSDR LAW, WHICH APPARENTLY DRAFTED MORE THAN A YEAR AGO, IS CLEARLY AT VARIANCE WITH OAU DRAFT LOS APPROVED AT ADDIS SUMMIT. ON NOVEMBER 7, SECRETARY (MINISTER) OF FISHERIES TOLD AMBASSADOR THAT SOMALIA CLAIMING 200-MILE SEA TO PRESERVE ITS OPTIONS PENDING INTERNATIONAL AGREEMENT. SECRETARY MENTIONED THAT GSDR UNABLE TO POLICE SUCH A ZONE AND SAID SOVIET AND JAPANESE VESSELS NOW FISHING CLOSE TO SHORE WITH IMPUNITY.

(B) 200-MILE TERRITORIAL SEA COVERS MOST OF GULF OF ADEN AND THUS ENTRANCE TO RED SEA. WE HAVE NO EVIDENCE THAT GSDR ACTION IN PUBLISHING LAW HAS ANY RELATION TO ME SITUATION OR EGYPTIAN BLOCKADE OF STRAITS. IN ANY CASE SOMALIS HAVE ONLY SIX PATROL CRAFT, ONLY TWO OF WHICH IN BERBERA, AND ARE THUS INCAPABLE OF ENFORCING PROHIBITION AGAINST ISRAELI SHIPS OR FOREIGN WARSHIPS.

(C) AMBASSADOR HAS MEETING WITH FONMIN NOVEMBER 17 AND CAN RAISE SUBJECT IF DEPARTMENT HAS POINTS IT WISHES MADE TO HIM.
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